

NOMINATION OF JOSEPH SWERDZEWSKI

Y 4. G 74/9: S. HRG. 103-843

Nomination of Joseph Swerdzewski, S... **RING**

BEFORE THE

**COMMITTEE ON
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS**

FIRST SESSION

ON

**NOMINATION OF JOSEPH SWERDZEWSKI, TO BE GENERAL COUNSEL,
FEDERAL LABOR RELATIONS AUTHORITY**

OCTOBER 13, 1993

Printed for the use of the Committee on Governmental Affairs



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NOMINATION OF JOSEPH SWERDZEWSKI, TO BE GENERAL COUNSEL, FEDERAL LABOR RELATIONS AUTHORITY

WEDNESDAY, OCTOBER 13, 1993

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:10 a.m., in room SD-342, Dirksen Senate Office Building, Hon. David Pryor presiding.

Present: Senator Pryor.

Staff present: Doris Clanton, Jane McFarland, Deborah Cohen (Senator Glenn); Susanne Marshall, Joan Woodward (Senator Roth); Ed Gleiman (Senator Pryor); and Pat Raymond (Senator Stevens).

OPENING STATEMENT OF SENATOR PRYOR

Senator PRYOR. Good morning, ladies and gentlemen.

I am Senator Pryor from Arkansas. Senator Glenn, the Chairman of this Committee on Governmental Affairs, asked me today to chair this full Committee hearing to consider the nomination of Joseph Swerdzewski—and I hope I am pronouncing that correctly. How did I do? Did I do OK there?

Mr. SWERDZEWSKI. It was close, yes, sir.

Senator PRYOR. Close, all right—to be general counsel of the Federal Labor Relations Authority. FLRA is what we call it.

FLRA was established by the Civil Service Reform Act of 1978. It was assigned the responsibility of adjudicating complaints pertaining to unfair labor practices within the Federal Government. The general counsel of the FLRA is charged with investigating alleged unfair labor practices and prosecuting complaints before the three-member FLRA.

I think we have some statements perhaps for the record. We do not have any of our colleagues here this morning to make any opening statements from other Committee members. I would like to ask you, sir, if you have any family members or close friends present today to share this occasion with you who you might like to recognize at this time.

Mr. SWERDZEWSKI. Yes, Senator Pryor.

I would first of all like to say that I have three sons, Peter, Thomas and Matthew, who are in school in Colorado and who were anxious to be here today, but were not able to, pending our move, but I would like to mention them.

Also, I would like to mention that Chairman McKee, chairman of the Federal Labor Relations Authority, is here today. Member Pamela Talkin is also here and member Antonio Armendariz are here with us.

Senator PRYOR. We are proud to have them in the audience today.

Mr. SWERDZEWSKI. Also, at this time I would like to introduce Deputy General Counsel of FLRA Michael Doheny, Deputy Director of Operations Nancy Speight, Regional Director Jesse Reuben, Regional Director Edward Davidson from Boston. Also, I am happy to see Susan McClusky, who is counsel to Chairman McKee, who is with us, and the director of public affairs for the authority, Paco Martinez.

Senator PRYOR. Very good.

Mr. SWERDZEWSKI. Thank you.

Senator PRYOR. You have mentioned several people who are not strangers to this Committee, and we worked with them over the years very closely, we admire their work, and we certainly look forward to working not only with you, but with them in the future.

The Committee's rules require that an inquiry be conducted into each nominee's experience, qualifications and suitability to serve in the position to which the President has nominated this individual.

In this regard, the Committee has received from the nominee a full financial statement, detailed information on educational, employment and professional accomplishments. The nominee has also responded in writing to a number of prehearing questions. Copies of this biographical information and prehearing question responses will be placed in the record as a part of this hearing. The financial statement will be available for public inspection in the Committee's office.

Committee staff have interviewed the nominee prior to today's hearing. In addition, the Committee staff has reviewed opinion letters regarding this nominee from both the Office of Government Ethics and the designated agency ethics officers.

Finally, I would say that Senators Glenn and Roth, the Committee Chairman and ranking minority member, will review the FBI background investigation report on this nominee prior to final action by the Committee as a whole.

I would also like to mention at this point that the nominee seems to be very, very well qualified, extremely well qualified, I might say. It is always nice to see a career person, a career employee who has dedicated a great portion of his life to FLRA since 1979 being promoted from the Denver office, I believe, into this job which, of course, is as very, very high-ranking position with the Federal Government.

We congratulate you, sir, for doing it. We are glad that you are going to be on board soon, and we do look forward to working with you.

Committee rules further require that the nominee be under oath while testifying on all matters relating to the suitability for this office, including policies and programs which they will pursue while in their respective position.

If I might ask you, sir, to please stand and raise your right hand: Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SWERDZEWSKI. I do.

Senator PRYOR. Thank you, sir.

**TESTIMONY OF JOSEPH SWERDZEWSKI, OF COLORADO, TO BE
GENERAL COUNSEL, FEDERAL LABOR RELATIONS AUTHORITY**

Senator PRYOR. Do you have any statement that you would like to make? If you do, this is the appropriate time to hear your statement. If you do not desire to read your statement, all of the statement will be placed in the record. That is your call. If you would like to read it or just speak informally, you are welcome to do so.

Mr. SWERDZEWSKI. I would make a short statement.

Good morning, Mr. Chairman, colleagues and guests.

It is a pleasure to have this opportunity to appear personally before the Committee. I want to thank the President for the confidence which he expressed in me, and it is indeed an honor to be considered as the President's nominee for the position of general counsel at the Federal Labor Relations Authority.

I also want to thank the Committee for scheduling this hearing, for recognizing the need to fill this position. I appreciate your action.

I further want to thank the Committee staff for the professional manner in which they handled this process. I thank them. I realize it is not easy, given demands made on the Senate and on each member of the staff of the Senate.

I come before you at a time of great change. The Federal sector labor relations community faces a significant challenge to reach new levels of understanding and partnership. I am committed, consistent with the responsibilities of the office of general counsel, as provided under the Federal service labor-management relations statute, to assist them in meeting this challenge.

Congress has mandated that the Federal Labor Relations Authority provide leadership in Federal sector labor relations. I am committed to this leadership. I look forward to working with the Committee, with the Chairman and with the Committee staff, and I am available to answer any questions you may have.

Thank you.

Senator PRYOR. Thank you very much for your statement.

Our Committee requires us to ask a few questions. I will ask those questions at this time.

Is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. SWERDZEWSKI. No, I am not.

Senator PRYOR. Question 2, do you know of any reason, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. SWERDZEWSKI. I do not.

Senator PRYOR. Question 3, if confirmed, do you agree without reservation to appear and testify before any duly constituted committee of the Congress?

Mr. SWERDZEWSKI. Yes, I will.

Senator PRYOR. Given the importance of the general counsel and its role in the operation of FLRA, and I am sure Senator Glenn has every intention of moving expeditiously to see that this Committee and the full Senate completes consideration for this nomination. The hearing record will nevertheless be kept open so that members of the Committee might have the opportunity to submit additional written questions to you, and I hope that is satisfactory.

I want to thank you and I want to wish you the very best. This has been a short hearing, of course. I think the shorter the hearing, the better. That at least indicates there are fewer problems with the nominee. So I think this is as good indicator that we do not see many problems at this stage and, of course, we know that Senator Glenn is going to expeditiously, as I have said, try to move this nomination forward.

Mr. SWERDZEWSKI. Thank you, Senator.

Senator PRYOR. I want to thank you. Our hearing is adjourned. [Whereupon, at 10:18 a.m., the Committee was adjourned.]

APPENDIX

BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEE

A. BIOGRAPHICAL INFORMATION

1. Name: (Include any former names used.)
Joseph Swerdzewski.
2. Position to which nominated:
General Counsel, Federal Labor Relations Authority.
3. Date of nomination: August 6, 1993.
4. Address: (List current place of residence and office addresses.)
Residence: 8216 South Poplar Way, Englewood, CO 80112.
Office: Federal Labor Relations Authority, 1244 Speer Blvd., Suite 100, Denver, CO 80204.
5. Date and place of birth:
January 29, 1949, Southampton, NY.
6. Marital status: (Include maiden name of wife or husband's name.)
Divorced. Married 1974–1991 to Natalie J. Conklin.
7. Name and ages of children:
Peter J. Swerdzewski, Age 14; Thomas B. Swerdzewski, Age 12; and Matthew J. Swerdzewski, Age 8.
8. Education: List secondary and higher education institutions, dates attended, degree received and date degree granted.
Fordham University Law School, Manhattan, NY, 1971–1974, J.D. (1974).
College of the Holy Cross, Worcester, MA, 1967–1971, B.A. (1971).
Westhampton Beach High School, Westhampton, Beach, NY, 1963–1967, Diploma.
9. Employment record: List all jobs held since college, including the title or description of job, name of employer, location of work, and dates of employment. (Please use separate attachment, if necessary.)
1990–present—Counsel for Special Outreach, Federal Labor Relations Authority, Denver, Colorado.
1982–1990—Regional Attorney, Denver Region, Federal Labor Relations Authority, Denver, Colorado.
1979–1982—Supervisory Attorney, Los Angeles Region, Federal Labor Relations Authority, Los Angeles, California.
1975–1979—Assistant Staff Judge Advocate, United States Air Force, Vandenberg AFB, California.
1974–1975—Legal Assistant, County Executive's Office, Suffolk County, New York.
Summer 1973—Management Assistant, County Executive's Office, Suffolk County, New York.
Summer 1972—Legal Intern, County Executives's Office, Suffolk County, New York.
10. Military Service: List any military service, including dates, rank, and type of discharge.
1975–1979—United States Air Force, Active Duty, Captain, Honorable Discharge.
1979–present—United States Air Force Reserve, Lieutenant Colonel.
11. Government experience: List any advisory, consultative, honorary or other part-time service or positions with Federal, State, or local governments, other than those listed above.
All government experience listed above.
12. Previous Appointments: Prior to this appointment, have you ever been nominated for a position requiring confirmation by the Senate? If so, please list each

such positions, including the date of nomination, Senate confirmation, and Committee hearing, if any.

No previous appointments.

13. Business relationships: List all positions held as an officer, director, trustee, partner, proprietor, agent representative, or consultant of any corporation, company, firm, partnership, or other business enterprise, educational or other institution.

Consultant—David Griffith and Associates, Northbrook, Illinois.

Instructor—Part-time faculty, Metropolitan State College, Denver, Colorado.

Instructor—Part-time faculty, Allen Hancock College, Santa Maria, California.

14. Memberships: List all memberships and offices held in professional, business, fraternal, scholarly, civic, public charitable and other organizations.

Member of Colorado and New York Bar.

New York Bar Association.

Colorado Bar Association.

Holy Cross Club of Colorado.

15. Political affiliations and activities:

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

No party office.

No public office candidacy.

(b) List all memberships and offices held in and services rendered to all political parties or election committees during the last 10 years.

Member of Democratic Party: No service rendered.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more for the past 5 years.

No contributions of \$50 or more.

16. Honors and awards: List all scholarships, fellowships, honorary society memberships, military medals and any other special recognitions for outstanding service or achievements.

U.S. Air Force ROTC Scholarship, 1969–1971.

Meritorious Service Medal, United States Air Force, 1979.

Meritorious Service Medal, 1st Oak Leaf Cluster, United States Air Force Reserve, 1993.

Commendation Medal, United States Air Force Reserve, 1990.

Outstanding Judge Advocate, Strategic Air Command, 1976.

Outstanding Reserve Judge Advocate, Strategic Air Command, 1981

17. Published writings: List the titles, publishers, and dates of books, articles, reports, or other published materials which you have written.

Federal Sector Labor Relations for the Private Sector Practitioner, Colorado Lawyer, March 1987.

18. Speeches: Provide the Committee with three copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for you have been nominated.

No formal speeches.

19. Congressional Testimony: Have you ever testified before a Committee of the Congress? If so, please provide details, including date(s).

No prior testimony.

20. Selection:

(a) Do you know why you were chosen for this nomination by the President?

I have a very extensive background in Federal sector labor relations, having been a practitioner in the Federal sector since 1975. As an Assistant Staff Judge Advocate, I represented management in its dealings with the Federal sector unions that represented employees at the base where I was assigned. After leaving active duty in 1979, I began my career as a Federal civil servant with the Los Angeles Region of the Federal Labor Relations Authority (FLRA). Within two years, I was promoted to Regional Attorney of the Denver Region of the FLRA. As Regional Attorney I was responsible for the investigation and prosecution of over 1,000 unfair labor practice charges filed annually from management and labor in the 10 state area, covered by the Region. I have personally been involved in the prosecution of over 300 unfair labor practice complaints.

In 1990 I created and presented a program called Knowledge, Communication and Trust. This program was developed as a joint labor-management workshop aimed at solving the real problems inhibiting the development of a productive labor-management relationship. As a result of the success of this workshop, I was named Counsel for Special Outreach working

directly for two succeeding General Counsels of the FLRA. In this position, I created and presented numerous programs on Federal sector labor relations, alternative dispute resolution, grievance resolution, cooperative labor management relations, and dispute avoidance through communication. The theme behind all of these workshops is that the enforcement authority given to the FLRA should not be the sole means used by both labor and management to conduct their labor relations. Both labor and management must develop the knowledge, communications skills, and trust necessary to a healthy relationship.

I have gained considerable insight into how management in the Federal Government manages and how Federal sector unions operate through working with both labor and management in the highly charged atmosphere present during a Knowledge, Communication, and Trust Workshop. These workshops have brought significant changes in the relationships of the participating parties. The knowledge and understanding I have received through working with all levels of government and many different agencies will be invaluable in developing new approaches to improve labor-management relations in the Federal Government.

(b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

My experience as a FLRA Manager, as a practitioner in Federal sector labor relations and most importantly in the development of programs aimed at changing the Federal labor relations climate uniquely qualify me for the appointment. As the Administration has declared a need to reinvent government, three years ago I began the process of reinventing the role of the FLRA in resolving Federal sector disputes. This appointment gives me the opportunity to further develop and expand these efforts.

B. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?

Present employer is the United States Government. No other business connections exist.

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

No.

4. Has anybody made a commitment to employ your services in any capacity after you leave government service?

No.

5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?

Yes.

C. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients or customers.

No arrangements or agreements of this nature exist.

2. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

No financial assets, liabilities, or other relationships exist which conflict with my service in this position.

3. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

No relationships, dealings, or transactions exist or have existed which could constitute or result in a conflict of interest with this position.

4. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

I have had no involvement in any activity related to legislation or public policy except in the course of my assignments as a government employee.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items. (Please provide copies of any trust or other agreements.)

Although there appears to be no present conflicts, should any potential conflict of interest arise during my service as General Counsel, if confirmed, I will immediately point them out to the Designated Agency Ethics Official. I will abide by that official's advice in resolving the conflicts issue, in compliance with all applicable rules, regulations and guidance from the Office of Government Ethics.

6. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or held by any Federal, state, or other law enforcement authority for violation of any Federal, State, county or municipal law, regulation or ordinance, other than a minor traffic offense? If so provide details.

No.

3. Have you or any business of which you are or were an officer ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense?

No.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

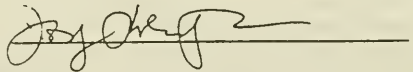
I know of no other information which I feel should be considered in connection with this nomination.

E. FINANCIAL DATA

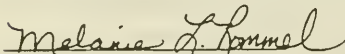
(Retained in Committee files.)

AFFIDAVIT

Joseph Swerdzewski being duly sworn, hereby states that he has read and signed the foregoing statement on Biographical and Financial Information and that the information provided therein is, to the best of his knowledge, current, accurate, and complete.



Subscribed and sworn before me this 16th day of August, 1993.


Notary Public

My commission expires: 2/26/96

WRITTEN QUESTIONS FROM CHAIRMAN GLENN TO JOSEPH SWERDZEWSKI AND THE RESPONSES

A. NOMINATION PROCESS AND POTENTIAL CONFLICTS

Question 1. Why do you believe the President nominated you to serve as General Counsel of the Federal Labor Relations Authority?

Answer. I have a very extensive background in Federal sector labor relations, having been a practitioner in the Federal sector since 1975. As an Assistant Staff Judge Advocate, I represented management in its dealings with the Federal sector unions that represented employees at the military base where I was assigned. After leaving active duty in 1979, I began my career as a Federal civil servant with the Los Angeles Region of the Federal Labor Relations Authority (FLRA). Within two years, I was promoted to Regional Attorney of the Denver Region of the FLRA. As Regional Attorney, I was responsible for the investigation and prosecution of over 1,000 unfair labor practice charges filed annually from management and labor in the 10 state area covered by the Region. I have personally been involved in the prosecution of over 300 unfair labor practice complaints.

In 1990, I created and presented a program called Knowledge, Communication and Trust. This program was developed as a joint labor-management workshop aimed at solving the real problems inhibiting the development of a productive labor-management relationship. As a result of the success of this workshop, I was named Counsel for Special Outreach working directly for two succeeding General Counsels of the FLRA. In this position, I created and presented numerous programs on Federal sector labor relations, alternative dispute resolution, grievance resolution, cooperative labor management relations, and dispute avoidance through communication. The theme behind all of these workshops was that the enforcement authority given to the FLRA should not be the sole means used by both labor and management to conduct their labor relations. Both labor and management must develop the knowledge, communication skills, and trust necessary to a healthy relationship.

Through working with both labor and management in the highly charged atmosphere present during a Knowledge, Communications, and Trust Workshop, I have gained considerable insight into how management in the Federal Government manages, and how Federal sector unions operate. These workshops have brought significant changes in the relationships of the participating parties. The knowledge and understanding I have received through working with all levels of government and many different agencies will be invaluable in developing new approaches to improve labor-management relations in the Federal Government.

Question 2. Were there any conditions, expressed or implied, attached to your nomination?

Answer. No.

Question 3. Have you made any specific commitments with respect to the basic policies and philosophies that you will seek to implement as General Counsel of the FLRA? If so, please describe these commitments?

Answer. No.

Question 4. Is there any issue currently under consideration by the Federal Labor Relations Authority from which you may have to disqualify yourself? If so, please explain.

Answer. No.

B. ROLE AND RESPONSIBILITIES OF THE FLRA GENERAL COUNSEL

Question 1. What do you consider to be the mission of the FLRA?

Answer. The FLRA's mission is to provide leadership in establishing policies and providing guidance in federal labor-management relations, and to ensure compliance with the statutory rights and obligations of Federal employees, labor organizations and Federal agencies.

Question 2. What do you believe to be your basic role and responsibilities as General Counsel to the FLRA?

Answer. If confirmed, my basic role and responsibilities as General Counsel to the FLRA are: (a) to investigate unfair labor practice charges; (b) to establish policy and procedures for processing unfair labor practice charges; (c) to file and prosecute unfair labor practice complaints before the Authority; (d) to supervise the regional directors in their responsibilities to process representation petitions and supervise elections; (e) to encourage the resolution of disputes at every stage of the process; (f) to manage the Office of General Counsel and the employees therein.

Question 3. What do you consider to be the major challenges facing the FLRA and how do you propose to address them?

Answer. A major challenge facing the Office of General Counsel (OGC) of the FLRA is the continually increasing caseload. In the past 10 years, the OGC caseload has increased by 72% while the staff has decreased by 22%. Further, the caseload of the employees actually processing the cases has increased by over 120%. The OGC is quickly approaching the point at which each case processor will be responsible for processing close to 200 cases a year. These figures do not even take into account the tremendous increase in representation caseload brought about by the dramatic reorganizations going on in the Department of Defense. Representation cases are considerably more time consuming and expensive to process in comparison to most unfair labor practice charges.

While keeping up with the caseload is a major challenge, a bigger challenge is to make labor relations work in the Federal sector. The employees of the FLRA are very hard-working and dedicated to their jobs. Each year as the caseload has increased, they have risen to the occasion and increased their productivity to a phenomenal degree. New ways of fostering improved labor relations and not just dealing with the caseload must be developed. My challenge, if confirmed, is to improve labor relations and to make the existing system work the best it can. The OGC must challenge itself not just to perform its historical and statutory case processing role, but also to assist the parties in finding new ways of improving their relationship and to make them less dependent on third party processes.

Question 4. What objectives would you like to achieve as General Counsel to the FLRA?

Answer. My primary objective, if confirmed, will be to reorient the emphasis of the OGC from statistical goal setting to the development of quality relationships. It does the parties and the taxpayers little good if the OGC successfully litigates or processes increased numbers of cases while the relationships between the parties deteriorate. Both labor and management have a statutory mandate to make an effective and efficient government. Unfortunately, oftentimes this mandate is lost in the morass of litigation and ill will spawned by what many consider an overly legalistic system. The OGC needs to be the leader in fostering improved relationships; however, at the same time, it should vigorously prosecute those who are not interested in a productive relationship and who flaunt the obligations placed on them by the Federal Service Labor Management Relations Statute.

Question 5. How do you see your relationship and the nature of your duties as they relate to:

- (a) the Office of Personnel Management
- (b) the Merit Systems Protection Board, and
- (c) the Office of Special Counsel?

Answer. My experience has been that there is no clearly established or defined relationship between OPM, MSPB, Special Counsel, and OGC. There is not a statutorily established relationship, nor has a historical relationship developed. The OGC must be independent of both OPM and MSPB, because employees of those agencies are subject to the Federal Service Labor Management Relations Statute. Furthermore, OPM establishes federal employment policies for management which often times are the subject of cases before the FLRA. In the past, there have been times when OPM's viewpoint on labor relations was considered by labor unions to be adversarial. However, that viewpoint has changed significantly, in my view, giving rise to the hope that a relationship can be developed between OPM, Federal sector unions, and the FLRA to engender and encourage new methods and approaches to solving labor relations problems in the Federal sector. On the other hand, the Special Counsel and OGC on occasion do have dealings with the same parties over similar issues. If confirmed, I would explore with the Special Counsel any areas in which statutorily permitted information sharing might be of benefit to both the Special Counsel and OGC in carrying out their statutory responsibilities.

C. FLRA MANAGEMENT, POLICY, AND ISSUES

Question 1. Drawing on your personal perspectives as a long-time FLRA employee regarding the operation of the FLRA as an agency over the 14 years of its existence—

(a) How well do you personally think the agency as a whole has historically met its statutory mandate, and on what specific considerations do you base this judgment?

(b) What do you personally feel have been the FLRA's most notable strengths and weaknesses in the years since its creation, and on what specific considerations do you base your assessment?

Answer. (a) The FLRA during the early years of its existence molded its identity as a combination of the former Executive Order federal sector labor relations pro-

gram and the National Labor Relations Board (NLRB). The staff of the OGC, in particular, was made up predominantly of employees of the Department of Labor, who administered the Executive Order, and former employees of the National Labor Relations Board. These groups had differing views on both the meaning of the Statute and its execution. While adopting and adapting many of the NLRB's practices in the beginning, the OGC started to develop its own identity separate and apart from its predecessors. The more that labor, management, and the FLRA came to understand that the Statute governing Federal sector labor relations was not a Federal sector version of the National Labor Relation Act, nor was it a mere codification of the Executive Order, the more the FLRA has been able to develop the leadership mandated by the Statute.

(b) Both the FLRA and the OGC have strong staffs and management teams for executing their statutory responsibilities. The OGC continues to develop new methods of increasing productivity in terms of numbers of cases processed. The versatility and dedication of the staff and management of the OGC are a tremendous strength. A notable weakness has been a lack of the presence of a leader at the top of the Office of General Counsel. As an example, over the past two years, the OGC has been without a General Counsel longer than it has been with one. The absence of a General Counsel or a statutorily acting General Counsel lends to a period without specific direction or the ability to establish policy with respect to statutory responsibilities.

Question 2. In July 1991, the General Accounting Office (GAO) issued a report on the federal labor-management relations program (*Federal Labor Relations: A Program in Need of Reform* GAO/GGD-91-101, July 30, 1991), in which GAO outlined a series of critical concerns about the FLRA's perceived lack of program leadership.

(a) What is your reaction to the GAO's findings and recommendations?

(b) Assuming that you agree in whole or in part with the GAO, what specific steps do you think need to be taken to adequately address the problems that the GAO outlined?

(c) If confirmed, what role would you play to correct any existing problems and strengthen the overall management of the Office of General Counsel?

Answer. (a) The GAO report stated that the Federal sector labor relations program needed a major overhaul to provide a new framework that (1) motivates labor and management to form productive relationships, to improve the public service; (2) makes collective bargaining meaningful; (3) improves dispute resolution processes; and (4) is compatible with innovative human resource management practices that emphasize employee involvement, team building, and labor-management cooperation. I agree that these very issues are at the forefront of the type of change needed in the Federal sector. There is a definite need to create accountability on the part of both labor and management in the federal sector for the costs of conflict. Under the current system, for the most part, neither labor nor management is accountable for the costs of litigation. In the private sector the cost of litigation is a significant determinant in whether to resolve or pursue litigation. Unfortunately, many agency managers view in-house counsel as not costing them anything; consequently, litigation can be pursued with respect to many issues which otherwise would not be cost effective in a private sector context. On the other hand, the cost of prosecution is borne by the government, and therefore, unions have no cost for the litigation of an unfair labor practice or the submission of a negotiability appeal or exceptions to an arbitration award.

(b) The basic change that is needed beyond accountability is a philosophical change in attitude toward labor-management relations in the federal government. Every agency in the government has a different viewpoint on what its labor relations program should be. Some are extremely combative and litigious, some wish to develop ways to engage in a productive relationship, others wish the whole thing would just go away. Many of these viewpoints are personality-driven by the chief of labor relations for an agency; others are driven by ideological viewpoints of management. The bottom line is, there is no understood philosophy on how labor relations should be considered in the federal government. The National Labor Relations Act contains many of the things federal sector unions would like to see as part of changes to the Federal Services Labor-Management Relations Statute. Even with all these rights, private sector labor relations are not less litigious or adversarial than they are in the Federal sector. If a company has a philosophical position opposed to unions, all the statutory rights in the world aren't going to make for a successful relationship. Statutory changes to provide accountability and to give balance to the relationships are necessary; however, without philosophical and cultural change, such statutory changes may be of little benefit. One thing that is continually overlooked in the federal sector when it is condemned as an overly litigious and adversarial system is that the statute never told the parties they had to be adversarial

or seek third party solutions to all their problems. These attitudes were developed by the participants in the process. The Statute, unfortunately, may have made it too easy for them to do just that.

(c) I have been very involved in working with both labor and management at all different levels of the government to come up with common sense solutions to problems which otherwise would be extremely expensive and time consuming. If confirmed, I will continue to pursue more cooperative ventures as ways to avoid the litigation and acrimony created by significant change. As prosecutors, the OGC is in essence, a cop, but that role must include how to help the parties find better and more productive ways of dealing and must not be limited to just telling them when they did wrong.

Question 3. Comparing the legislative intent of Congress in creating the FLRA General Counsel's position with the actual accomplishments of those who have served in that role—

(a) How well do you think Congress' expectations have been fulfilled and on what specific factors do you base your assessment?

(b) What *legislative* changes do you think Congress should consider as it reviews the FLRA General Counsel's role, authorities, and responsibilities?

(c) What *administrative* changes do you think are needed to more effectively accomplish the General Counsel's prescribed mission? What changes and/or innovations (if any) would you yourself implement?

Answer. (a) The Federal Service Labor-Management Relations Statute has brought significantly more balance to the relationships between labor and management in the federal sector than existed under the Executive Order. Collective bargaining, where it has worked, has both improved the working conditions of employees and developed a more effective and efficient government. However, if Congress expected the Statute would provide the framework for the development of harmonious relationships, this expectation has not been met. Many successful relationships, in my opinion, have come about because the parties have chosen not to allow the Statute to stand in the way of good labor relations, rather than because the Statute fostered improved relationships.

(b) One legislative change which I believe would make the parties more accountable would be to make negotiability issues part of the unfair labor practice (ULP) process, rather than a separate paper process. As a separate process, negotiability issues lead to protracted negotiations, because neither side has sufficient consequences from not reaching agreement. A part of this new process would be an ADR system incorporating mediation and impasse resolution. Questions that arise in collective bargaining should be resolved by the parties, not through the use of a process removed from the bargaining table. They should be based on the give and take of the bargaining process, not on wordsmithing and a paper shuffle. Any issues that cannot be resolved by this new process would be an unfair labor practice on a fast track system. It makes little sense to separate out collective bargaining issues into four different processes: impasse, ULP, negotiability, and mediation.

An additional legislative change would be to strengthen enforcement authority. Disciplinary action against managers and fines against unions would be examples of remedies that could act to deter future violations of the Statute. Fines or administrative action such as sanctions should also be available when either party abuses the processes of the FLRA. Lastly, the term of the General Counsel should be a fixed 5 years, removable for cause. This change would hopefully stop the constant turnover in General Counsels. Labor relations needs stability. Constant turnover leads to instability, which causes disruption.

(c) The structure of the OGC must be changed to be consistent with the technology being used by the staff. The purpose of such change would be to get an even larger percentage of the staff actually processing cases. A new look must be taken at the manner in which cases are handled. More flexibility and teamwork are necessary to assure optimum use of resources. New life must be breathed into a staff which has performed in an outstanding manner for a very long period with dwindling resources and ever increasing caseloads. A new direction, which does not so highly prize numbers of cases, must be set. This new life and new direction must emphasize the quality of labor-management relationships and not just the quantity. The OGC must rejuvenate itself and redefine its mission and goals consistent with the changed labor-management environment in which it deals.

Question 4. There is substantial evidence that the state of federal labor-management relations is becoming increasingly acrimonious, contentious, and strained over time. One especially compelling indication of this lies in the rising number of unfair labor practice (ULP) charges that have been filed in recent years.

(a) What is your own assessment of the current state of federal labor-management relations generally? What do you see as the key problem areas (if any),

and to what specific factors do you attribute the genesis and growth of these problems?

(b) Do you see workable solutions to the problem areas that you identified above and, if so, what role do you see yourself playing in the process?

Answer. (a) In my view, the nature of American labor relations, as embodied in the National Labor Relations Act (NLRA) in the private sector, has always been a very adversarial system, typified by overly acrimonious, contentious, and strained relationships. In taking the private sector model and, for the most part, transferring it to the Federal sector statute, along with the statutory language came the history and practice under the NLRA. The Statute creates an adversarial system and the parties in the Federal sector haven't differed from their private sector brethren in how they operate it. The nature of labor relations in the Federal sector is both personality-driven and rights-driven at the same time. It is easy to be contentious, because neither side, in many cases, is accountable for the cost of the litigation or to a constituency. It is very simple for management to rely on the significant rights it has received under the Statute, and thereby stymie the collective bargaining process. By the same token, it is easy for a Federal sector union to exercise its power to prevent or delay management action because it has been given inadequate authority in its eyes to create a better work place.

The FLRA can assist the parties best by bringing them to understand that litigation and rights-based action are not the best formula for achieving one of the most important goals of the Statute—a more effective and efficient government. Litigation creates acrimony and strained relationships; however, vigorous prosecution is necessary when parties, either labor or management, refuse to abide by their statutory obligations. The FLRA should have a role in helping the parties to find a way out of the contentiousness and ill will created, quite often, by the personalities and not by the issues. Ignoring this part of labor relations results in placing a Band-Aid on the wounds, or making the wound even deeper through use of the litigation process, instead of dealing with the real issues between the parties.

Question 5. The National Labor Relations Board (NLRB) has a prescribed mission and structure similar to that of the FLRA, although the statutory authorities under which each operates are different.

What specific attributes of the NLRB's operations generally, and its handling of labor-management disputes specifically, do you feel can be adopted by the FLRA to the benefit of the federal labor-management relations community?

Answer. It is very difficult to compare the NLRB's operations with those of the FLRA because the statutory functions of the two are very different. The NLRA has no provisions that are in any manner similar to negotiability appeals or exceptions to arbitration awards coming to the NLRB for decision. Therefore, comparing the NLRB with the three member panel of the FLRA would be an apples and oranges comparison. However, there are many more similarities between the operations of the General Counsel of the NLRB and the General Counsel of the FLRA. Both predominantly investigate and prosecute unfair labor practice charges and handle representation petitions. To a large extent, many of the processes of the NLRB have already been incorporated into the OGC. The first General Counsel of the FLRA was a former Assistant General Counsel of the NLRB. He established a structure that closely resembles the NLRB and put into effect many policies patterned after the NLRB. The challenge to the OGC is not to adopt or adapt more NLRB policies but instead to shed those that inhibit the development of processes that fit the unique needs of the federal sector.

Question 6. Taking into account the President's stated objective of streamlining the federal government, and considering that the NLRB and FLRA perform largely the same kinds of functions, it may be appropriate at this point to seriously consider the feasibility of having the NLRB assume the FLRA's authorities and functional responsibilities and abolish the FLRA as a separate agency.

(a) Speaking strictly from a costs-benefits standpoint, what do you see as the positive and negative considerations of such a proposal?

(b) Another possible alternative may lie in transferring the FLRA's authorities and responsibilities to the Office of Personnel Management. What are your views on this option?

(c) As an alternative to abolishing the FLRA outright, in what specific ways do you think the organization's current size and operating costs can be meaningfully reduced without undue adverse impact on its ability to accomplish its responsibilities?

Answer. (a) The best information I have available to me from the 1993 budget submission of the NLRB shows the NLRB projected approximately 48,000 cases for its General Counsel's operation. The projected field staff to handle this caseload was 1,678. That averages to approximately 29 cases per employee per year. The FLRA

Office of General Counsel projected approximately 15,000 cases for 1993. The projected field staff to handle that caseload was 115. That averages out to approximately 130 cases per employee per year. Using the NLRB's 29 case per person yardstick, it would need four (4) times as many people to handle the caseload as are needed by the FLRA to handle the same caseload. The ratio of clerical/support staff in the Regions of the FLRA is approximately one clerical for every 5 professionals—a ratio which I believe may even be too high considering an almost completely computer literate staff. This same ratio in the NLRB is approximately one clerical for every two professionals. Using the above figures, it's not clear that combining the FLRA Office of General Counsel with the NLRB would be a cost-effective measure.

Under the current statutory scheme, combining the 3 member FLRA with the NLRB would be, as noted above, an apples and oranges combination. No savings would be realized in the negotiability area or with respect to exceptions to arbitration awards. The Federal Service Labor-Management Relations Statute, particularly in the negotiability area, is very complex. Learning the provisions of this statute would require considerable training and experience. The NLRB does not now have the expertise to handle negotiability questions. The Board for years has been plagued by backlogs. On the other hand, the FLRA is very current with its caseload and, in fact, the 3 member panel has a declining caseload. Shifting to a new panel of adjudicators could result in forum shopping and upset the stability of the negotiability process.

Most importantly, the FLRA has taken positive strides to reinvent itself. The OGC has pioneered many programs to change the way labor and management deal with each other. If confirmed, I expect to foster even greater efforts at ADR, cooperative labor management relations and an invigorated OGC. The OGC has a philosophy on resolution which may not be totally compatible with the private sector approach the NLRB must take with both labor and management. I think it would be counterproductive to see these efforts swallowed up at a time when they may be ready to bear the greatest fruits.

(b) The Office of Personnel Management is the Executive Branch's personnel manager and theorist. It is decidedly a management organization, as it should be. Making the FLRA a part of OPM could seriously undermine the neutral character of the FLRA and the federal sector program. There must be acceptance from both labor and management. Putting the neutral in as part of a management organization could seriously erode the credibility of decisions in the labor arena.

(c) The cost of the FLRA as a case processing entity, per case, is probably one of the better bargains in the federal government. Greater savings will be achieved not by reducing the size of the police force but by reducing the number of "criminals" or especially, proclivity towards crime. The greatest cost in federal sector labor relations is not the cost of the FLRA but the cost in lost productivity by a nonfunctioning labor-management relations program. The dynamic in the Federal government is very different from the private sector. The Federal government is a huge bureaucracy over which individual federal employees have very little control. Many small issues in the federal sector become much larger because of the need of employees, through their unions, to try to have some impact on their working conditions. The employees can't bargain over wages and benefits, and most every other thing of importance is covered by statute or regulation. Beyond these feelings of helplessness, employees believe they work under a very autocratic management system. The Federal Statute, in essence, created a Total Quality Management system. The unions, on behalf of employees, should be bringing to management's attention those issues which are impeding an effective and efficient workforce by not providing safe and productive working conditions. What has happened instead is that both parties have fallen into historic adversarial positions, where relationships are based on power and rights and not interests. If the OGC can influence the parties, down at the grass roots level and in the trenches where labor relations really takes place, to change this historic posturing, we are a bargain at 10 times the price. I have seen this happen and believe the OGC can continue to innovate and create new ways of achieving this goal.

As mentioned, the greatest costs of the program are not the FLRA but rather the cost of the conflict which many times multiplies the cost of labor relations well beyond the relatively small budget of the FLRA. There is no doubt a restructuring of the FLRA could lead to putting 10% more case processors working in the field to handle the burgeoning caseload. However, the real test is not to innovate new ways of handling an ever larger caseload, but to innovate new ways to decrease the caseload. If ADR, mediation, and facilitation efforts along with strong enforcement can successfully be employed to decrease the size of the caseload, the cost of the FLRA positions to provide these programs is much more than offset by the savings in the multiplier applied to each case not filed. It's not just FLRA time and expense in—

volved in each case, but also the time of management and employees which greatly multiply the cost of the conflict.

Question 7. It is critically important to the integrity of the investigative process that FLRA staff investigating ULP charges convey an image of professionalism, fairness and impartiality at all times. There have, however, reportedly been instances where investigative staff have given the impression that they had prejudged the merits of a case or were predisposed toward one or another of the parties.

(a) What internal agency controls do you think are necessary to ensure that FLRA investigative staff remain objective during the course of their work, both in appearance and in actuality? How many of these controls are actually in place at present and how well do you think they are working?

(b) What other measures would you take as General Counsel to ensure that the requisite standards of professionalism, fairness, and impartiality are consistently being met? For example, would you periodically survey parties to past ULP cases to determine the parties felt they had been fairly treated by FLRA staff?

Answer. (a) It is critically important to the investigative process that the investigators maintain absolute neutrality. This policy can have no exceptions and must be enforced and voiced from the General Counsel on down the line throughout the management and supervisory structure. With 95% of all unfair labor practice charges in the Federal sector being filed against management, it is very easy to understand why management, in particular, often voices its concern about the neutrality of FLRA investigators. While many of these concerns may be perceptions derived from the intense emotional atmosphere associated with personnel and labor relations problems, I as General Counsel, if confirmed, will do everything possible to maintain the highest standards of integrity for FLRA employees. The OGC must educate the parties to the role of the FLRA to alleviate any misperceptions based on a lack of understanding of the statutory process, and continually educate its own staff with respect to the proper exercise of their duties and responsibilities.

(b) The OGC is essentially a field operation with staff members doing the greatest portion of their work out in the field with both labor and management. Unless union or management bring concerns about staff members to the attention of supervisory staff, no corrective action can be taken if necessary, and no education of the complaining party is possible. If confirmed, I will encourage Regional Directors to make themselves available, as I will be, to the parties to take complaints or concerns, so that the process of changing these perceptions can begin. The integrity of the prosecutorial role is of major concern to me, and will be continually emphasized as long as I am General Counsel. If I am confirmed, I intend to survey the parties with respect to many aspects of the FLRA's operations. As noted above, as a field operation, unless the parties tell us what their concerns are, they can not be dealt with appropriately. If confirmed, I will be a very visible General Counsel who clearly establishes that the top priority is the quality of the service provided to labor and management.

Question 8. It has been suggested that FLRA staff investigating ULP complaints give the parties against whom charges were filed a greater role in the fact-finding process than they currently have. For example, where charges are filed by an agency against a union, FLRA investigative staff would meet with union officials *right at the outset of their inquiry* to detail and discuss the specific issues of the complaint. Similarly, FLRA staff would meet with agency officials at the outset of their inquiry in instances where a union is the charging party. Advocates of this approach believe that such a procedure, in addition to making the inquiry process more even-handed, would facilitate the completion of the investigation, bring useful information to light that might otherwise be overlooked, and provide yet a further opportunity to explore the prospects for a settlement.

What do you see as the pros and cons of this approach? Would you personally support its implementation?

Answer. Under the current regulations, the parties themselves are given 15 days to try to resolve an unfair labor practice charge before the OGC will begin an investigation. Parties who have an unproductive relationship ignore this provision, while parties who have a good relationship don't need it. The difficulty is that the same parties who do not participate in the voluntary resolution process are the ones who are most apt to complain that they know the least about an FLRA investigation. I am in favor of disclosure of as much detail about the specific issues prior to an investigation as the parties desire. However, this disclosure must not be used as a basis for discovery to create or patchup defenses, but as an exchange of information between the parties and the FLRA, looking towards a solution to the charge. Agencies, in particular, many of whom refuse to participate in an investigation by not making management witnesses available or providing documents on management

positions, will not help the investigative process by having more detail disclosed to them. I believe in opening the investigative files of the FLRA, however only if management has fully cooperated in the investigation. Opening up the file to an agency that has refused to participate can create the impression that it wants the information not to further the purposes of the Statute, but in fact to thwart them by intimidation or actions against unit employees who did participate.

Question 9. Since it is generally agreed that the existing ULP process is time-consuming and expensive, the exploration of viable alternative dispute resolution (ADR) processes may be a sound approach to reducing the work, costs and processing time currently needed to resolve labor-management disputes.

(a) What are your views on the development and use of ADR processes?

(b) From what you know of ADR processes in successful use in the non-federal public and private sectors, are there ADR processes currently in use elsewhere that might have beneficial application to federal-sector labor-management relations?

Answer. I have personally been involved in the establishment of ADR systems for the processing of unfair labor practice issues in the Federal sector. My experience is that they can be very successful at significantly reducing the number of ULPs, while at the same time improving the quality and timeliness of resolutions. However, any successful ULP ADR system must be a consensual arrangement between labor and management. There must be a buy-in to the value and efficacy of such a system before actual systems design can be undertaken. An agency must be willing to commit the resources in the form of quality personnel and official time for union representatives in order for such a system to work. Likewise, the union must commit to bringing only important issues through the system and not clog any such system with issues of little consequence. Both labor and management must then commit to each other that they will do everything possible to make the system work. Any process, no matter how well designed, will be of little benefit to either labor or management if they are merely paying lip service to it.

It is my belief that the FLRA can be very helpful in establishing the climate necessary for the establishment of ADR systems. When it comes to ADR, one size does not fit all. Any process must be tailored to the parties. This tailoring is something the FLRA staff can be trained to assist in and encourage.

Question 10. What do you see as the General Counsel's proper role in orchestrating and/or encouraging the informal settlement of labor-management disputes? How far do you think the General Counsel can (and should) prudently go in interceding for this purpose?

(a) What do you see as FLRA's proper role in orchestrating and/or encouraging the informal settlement of labor-management disputes? How far do you think FLRA should go?

(b) What other specific approaches do you think FLRA should undertake to encourage informal resolutions?

Answer. (a) The OGC has historically played a significant role in the informal settlement of labor-management disputes. One reason, in my view, for the continually increasing productivity of the OGC is the mediation, facilitation, and dispute resolution skills of the FLRA staff members. In my mind, it would be impossible to handle the current caseload unless a significant portion of the cases were not being resolved by the parties, quite often with FLRA assistance. The OGC currently aggressively pursues informal resolution of disputes. If confirmed, I will provide the staff members with more skills training and approaches to resolving disputes.

(b) The parties must be educated to the value of resolving their own problems without resorting to third party processes. All too often, the parties appear to rely on the FLRA to do their labor relations and resolve their disputes. Once a climate for resolution, coupled with a philosophy advocating its use, is created, the parties themselves will be able to successfully resolve their own disputes with hopefully only occasional assistance from the FLRA. The FLRA should be active in assisting the parties in developing their own climate and philosophy to achieve this result.

Question 11. As you likely know, former FLRA General Counsel Kathleen Koch played a highly visible and valuable leadership role in outreach efforts to bring labor and management officials together and to aid each in understanding the respective views and concerns of the other. These efforts, which included interagency training initiatives and presentations to audiences of union and management officials, won considerable praise in the federal labor-management relations community. It is the Committee's understanding that you have also been active in constructive and positive outreach efforts as well.

(a) To what extent do you see yourself becoming personally involved in these types of activities once you become General Counsel?

(b) In what other ways do you envision bringing labor and management officials together to share their views and to discuss issues of mutual concern?

Answer. (a) I personally developed the joint-labor management programs which my two immediate predecessors as General Counsel advocated for the Federal sector. I foresee myself, if confirmed, as actively involved in the development of new initiatives in the area of labor-management cooperation and would hope to develop additional trainers to carry on existing programs and assist in creating new ones.

(b) My experience, particularly in dealing with massive Department of Defense reorganizations, makes me believe that the parties are interested in finding better and more efficient ways of dealing with labor-relations problems. I believe there is a necessity to develop new avenues and approaches to joint labor-management cooperation in a variety of issues, including the question of union representation, agency-wide regulatory change, and other government-wide initiatives. If confirmed, I will endeavor to bring the parties together on a number of these issues to seek common solutions outside the normal litigation approach to labor relations.

Question 12. While the top positions in federal agencies are filled by political appointees, most senior executive and upper-level management positions are filled by career federal employees. Several recent GAO studies as well as the report of the National Commission on the Public Service (the Volcker Commission) have cited serious government-wide organizational problems resulting from poor working relationships between political appointees and career executives.

(a) As a senior political appointee, what kinds of things will you personally do to establish and maintain positive and productive working relationships with career personnel at the FLRA?

(b) From time to time over the years, there have reportedly been strained and even acrimonious relations between the Authority's members and its General Counsel. What do you think can (and should) be done to minimize such conflict situations?

Answer. (a) I have been a career civil servant for the past 13 years. I have known for many years all of the career personnel with whom I will be dealing. If confirmed, I hope to continue the positive work relationships that I have had with all of them, in my new role as General Counsel.

(b) It is my understanding that over the history of the FLRA the differences between the OGC and the FLRA have been predominately over matters of budget. Separate budget authority for the OGC would conceivably solve these budgetary strains. Absent such authority, the establishment of a consultative process on budgetary issues between the Chairman and General Counsel would hopefully lead to resolution of many of these differences.

Question 13. Under Federal law (5 U.S.C. § 7104(f)), the FLRA General Counsel is appointed for a five-year term. However, if confirmed, you will be the sixth different person appointed to the position in the 14 years since the FLRA's establishment. Of your five predecessors, only one served an entire 5-year term and two (including your immediate predecessor) left during their first year in office. This situation is particularly troubling when it is considered that, by law, only the General Counsel can file and prosecute ULP complaints. Thus, when the General Counsel's position is vacant, much of the work of the agency grinds to a halt and a critical bottleneck is created until the position is once again filled.

Because the Committee believes that stability in the top political ranks of executive agencies is critical to the efficient accomplishment of agencies' missions, the expressed willingness of nominees to make and fulfill commitments to serve most or all of the prescribed terms of their positions is an important consideration.

Are you prepared to offer such a commitment at this time?

Answer. By accepting this position I have committed myself to completing my 5 year term. As a career professional in federal sector labor relations this position provides me the best opportunity to improve the program I have been involved with since its inception.

D. RELATIONS WITH CONGRESS

Question 1. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of the Congress if you are confirmed?

Answer. Yes.

Question 2. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if confirmed?

Answer. Yes.



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